

# Fundraiser Raffles/Auctions for Nonprofit/Tax-Exempt Organizations and Alcohol

## Guide for retailers, alcohol manufacturers, wholesalers, agency liquor stores, nonprofit/tax-exempt organizations, and the public.

A nonprofit or tax-exempt organization may hold a raffle\*\* or auction\*\*\* of alcoholic beverages at fundraising events.

Alcoholic beverages raffled or auctioned must be given by the organization to the raffle or auction winner sealed in their original packaging.

Alcoholic beverages used for raffle or auction must be:

- § Purchased by or donated to the organization from a licensed retailer (excluding a restaurant beer and wine licensed retailer).
- § Purchased by the organization from an agency liquor store at not less than the posted price.
- § Received by the organization as a donation at no cost to the organization from any other person except a licensed wholesaler or distributor.
- § Purchased by the organization, that has been issued a special permit from ABCD, from a licensed wholesaler or distributor for not less than the ordinary price.

If held at an on-premises licensed business, an alcoholic beverage that is on a licensee's premises solely for a fundraising event under

this section does not constitute a violation by the licensee of 16-3-391(1) or 16-6-303, MCA.

No more than four events per organization per calendar year are allowed at which alcoholic beverages are raffled or auctioned.

Online Auctions: You may auction gift cards for an alcoholic beverage establishment, but they cannot be specific to alcohol. For example, a gift card to a brewery is allowed but a gift card for three growler fills is not allowed.

In-Person Auctions: You may auction gift cards at an in-person event for an alcoholic beverage establishment, and they may be specific to alcohol. For example, you may auction a gift card to a brewery and/or a gift card to a brewery for three growler fills.

### Not Allowed:

- ✗ Online auctions of alcoholic beverages or gift cards for alcoholic beverages.
- ✗ Proceeds from the raffle or auction of alcoholic beverages going to anyone who provided the alcoholic beverages.
- ✗ Raffle tickets sold to any person under 21 years of age.
- ✗ Auction bids received from any person under 21 years of age.

\*All licensees must comply with all Montana alcoholic beverage laws and rules.

\*\*Auction means the sale of an item or items, which may include alcoholic beverages, whereby the item for sale is sold to the highest bidder at the bid price. An auctioned item or items may have a reserve price.

\*\*\*Raffle means an event in which a nonprofit or tax-exempt organization sells tickets and each ticket gives the purchaser of the ticket the chance to win a prize, which may include alcoholic beverages, with the winner determined by a random drawing.

\*\*\*\*Original packaging means the sealed container in which a manufacturer packages its product for retail sale. It includes bottles, cans, kegs, and growlers, but does not include lines or piping carrying product from a manufacturer's premises to a retailer's premises.

16-3-316, MCA

6.2020 (Please note that information in Department Communications may have been modified, superseded, or made obsolete by changes in federal or state law or the Administrative Rules of Montana. If you need to verify the current validity of any Department Communications, contact us.



**MTRevenue.gov ▲ (406) 444-6900 ▲ TDD Montana Relay 711**